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## New Year's resolution: Get advice before taking legal action

*Valuable rights can be damaged or destroyed if you delay in getting advice*

BY BRADLEY J. WOODWORTH

*Note: No two legal situations are exactly the same. This column discusses general legal principles only. For specific advice, please consult your lawyer.*

I'm writing this column at the height of the holiday season. That special time of year when many people try hard to forget the cares of day to day life, in favor of a warm holiday glow. Also, the time when people make promises to themselves (cutely called "resolutions"), to take care of, after the first of the year, those things that have been put off.

## . Counsel

The point of this column is to advise you — even implore you — to get timely legal advice, when you need it. Time and again, people go to a lawyer's office only after their valuable legal rights have been damaged or destroyed.

So, how do you know *when* you should seek legal advice? There are two important times to consider getting legal advice: *before* taking "major legal actions," and very soon after a "new problem" has arisen, **Major Legal Actions**

There are certain kinds of activities that, by their very nature, are major legal actions, on which, as a general rule, you should receive competent legal advice at all stages. Some obvious examples of these major legal actions are buying or selling real estate, especially if you buy property jointly; buying or selling a business, or signing a long term lease; making a partnership or couples agreement, including an agreement to split up a couples property; making a will; any time you are accused of a crime.

As obvious as some of these examples are, it is astounding to me that some people will put off getting legal advice on them until the very last minute. Often times, significant problems have already developed, which could have been eliminated or minimized with advance legal advice.

If you're buying property, you should involve your lawyer even before you make an offer on the property. I have often heard from potential clients who tell me they are going in tomorrow to sign all the papers to buy their first house, and could I look over the paperwork. Of course, a lawyer can try to give service in that situation, but may discover problems in the transaction that can lead to delays. Sometimes a real estate purchase must be closed by a certain date or the buyers suffer penalties. If a problem appears in the title report, for example, but the time to close

the deal is expiring, the situation is more difficult than necessary for all involved.

I could go on with various horror stories that I have seen personally or heard about from other lawyers. I hope the point is clear: some major actions, by their very nature, require that your interests be represented by a lawyer. In such cases, you will often get a better result when you and the attorney have enough time to put your affairs in order.

### Problems that arise

Sometimes the need is not so obvious. Problems can develop slowly over time or may be discovered when something changes. For example, boundary disputes sometimes pop up when property is surveyed prior to a sale. A couple who has acquired property together over many years may find their partnership gradually deteriorating. Illness can become long term or life threatening, raising questions about the adequacy of your will, or power of attorney for health care. Maybe you receive a seemingly minor injury in a vehicle accident and decide to try to settle your own claim with the insurance company. But it may turn out your injury is more serious or lingering than first thought.

Often times, problems in the work place develop gradually. Slowly a person may fall out of favor, begin to be disciplined, or subject to other actions leading to termination. Sometimes the disciplinary action is motivated by discrimination.

In all of these types of cases, you should obtain legal counsel at the earliest opportunity.

Most lawyers I know would rather listen to your problem early on, even if you don't need immediate representation, than be brought in at the last minute to try to fix a problem you let go too long.

It is possible to give up or "waive" important legal rights, often with no idea that you are doing so. Legal rights are complicated, and few people have the expertise to figure them out. Most lawyers do, and can do so better when involved in a case early on.

While lawyers can sometimes be expensive, your affairs are usually worth the investment. If you truly lack funds, there may be legal advice available through subsidized clinics, several of which exist in the Portland area. In addition, various bar associations operate volunteer lawyer projects for certain groups. Don't assume that you can't afford legal advice, or that none is available for those of limited income. In a future column we'll discuss some specific ways to find a lawyer to help you with your problem.

*The author is an attorney in private practice, and maintains his office in the Crown Plaza Building, downtown Portland.*

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